IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23073 of 2004

Between:

Smt. Shaheda Begum W/o.Mohd.Siddiqui
R/o.H.No.19-5-16/4/A1 Bahadurpura, Kishanbagh Road, Hyderabad.

..... PETITIONER

AND

1 The District Collector, Hyderabad
2 The Mandal Revenue Officer, Bahadurpura Mandal, Hyderabad Disrict.
3 The Commissioner, Municipal Corporation of Hyderabad, Municipal

Complex Tankbund Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more one in the nature of Writ of Mandamus declaring the action of the respondents in demolishing the House covered by Compound Wall bearing Municipal No.19-5-16/4/A1, Admeasuring 290 Sq. Yards situated at Bahadurpura, Kishanbagh Road, Hyderabad without following due process of law, is illegal, arbitrary and contrary to the provisions of the H.M.C Act and other statutory laws.

Counsel for the Petitioner: MR.P.NARSING RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr. Ghanta Rama Rao

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in demolishing the petitioner's house bearing Municipal No.19-5-16/4/A1, admeasuring 290 square yards situated at Bahadurpura, Kishanbagh road, Hyderabad without following due process of law as illegal and arbitrary.

The petitioner claims to be owner and possessor of house covered by compound wall bearing Municipal No.19-5-16/4/A1, admeasuring 290 sq. yards situated at Bahadurpura, Kishanbagh road, Hyderabad, having purchased the same from one Mumtaz Begum under an agreement of sale dated 16.04.1987. It is stated that when the local land grabbers tried to interfere in the property of the petitioner, she filed a suit for perpetual injunction against them in O.S.No.4063 of 2004 on the file of the VII Senior Civil Judge, Hyderabad and obtained interim injunction orders in I.A.No.1597 of 2004 filed along with the said suit. It is stated that at the instigation of the defendants in the said suit, the respondent No.2-Mandal Revenue Officer without giving any notice and without following due process of law came to her house on 08.12.2004 and tried to demolish her house, which she protested by furnishing a copy of interim injunction order granted in I.A.No.1597 of 2004 in O.S.No.4063 of 2004. The grievance of the petitioner is that the respondents are frequently visiting her and threatening to demolish the house. Hence, the writ petition.

Heard the learned counsel for petitioner, learned Government Pleader for Revenue and Mr.Ganta Rama Rao, learned standing counsel for 3rd respondent-Municipality.

Learned Government Pleader for Revenue, on instructions, while producing a sketch map before this Court, submitted that T.S.No.9, Block 'F', Ward No.241, correlated to Old Survey No. Nil of Bahadurpura village is classified as "Government

Kalwa" and the total extent of which is 5056 sq. Mts. He further submitted that out of the said extent the petitioner has illegally raised compound wall recently to an extent of 110 sq. Mts., preventing flow of water to the surrounding houses.

Admittedly, the land to an extent of 5056 sq. Mts., in T.S.No.9, Block 'F', Ward No.241 is classified as "Government Kalwa" and the petitioner by virtue of an agreement of sale cannot claim any right over the subject land. If the petitioner is so aggrieved, she has to initiate appropriate action against her vendor, who sold the Government land to her. The writ petition is devoid of merit, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 20.12.2004

Nsr/Tvk

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Hyderabad
2 The Mandal Revenue Officer, Bahadurpura Mandal, Hyderabad Disrict.
3 The Commissioner, Municipal Corporation of Hyderabad, Municipal

Complex Tankbund Road, Hyderabad.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.